

REMARKS

This is a full and timely response to the outstanding final Office Action mailed August 4, 2004 (Paper No. 17). Upon entry of this response, claims 1-2, 4-8, 10-25, 27-31, 33-34, 36-40 and 42-46 are pending in the application. Claims 1, 7, 13, 22-25, 27-29, 34 and 39 have been amended, and claims 9, 26, 32, 35 and 41 have been cancelled. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Examiner Interview

A telephone interview between the Examiner and Applicant's representative took place on September 7, 2004. Applicant agrees that the substance of the interview described in the Examiner's Interview Summary is accurate.

2. Rejection of Claims 1, 2, and 4-46 under 35 U.S.C. §103

Claims 1, 2, and 4-46 have been rejected under §103(a) as allegedly obvious over *Klein* (U.S. 5,479,411) in view of *Sit et al.* (U.S. 6,349,336) and further in view of *Cooper et al.* (U.S. 6,052,442) and *Detlef* (U.S. 6,351,523). Applicant respectfully submits that these rejections have been overcome by the claim amendments made herein, or have been rendered moot by claim cancellation. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

Applicant respectfully submits that claim 1, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “wherein the email notification server is further configured to notify the subscriber of the email, wherein the email notification is separate from and in addition to leaving the voicemail message.” Therefore, Applicant respectfully submits that amended claim 1 overcomes the rejection, and the rejection should be withdrawn.

b. Claim 7

Applicant respectfully submits that claim 7, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “notifying, by the email notification server, the subscriber of each new email message as extracted header information, wherein the email notification is separate from and in addition to leaving the voicemail message.” Therefore, Applicant respectfully submits that amended claim 7 overcomes the rejection, and the rejection should be withdrawn.

c. Claim 13

Applicant respectfully submits that claim 13, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “a second process to read an account record in the database corresponding to each subscriber to determine information needed to notify each subscriber, the second process further configured to notify each subscriber

of any new email messages in accordance with the account record information.” Therefore, Applicant respectfully submits that amended claim 13 overcomes the rejection, and the rejection should be withdrawn.

d. Claim 22

Applicant respectfully submits that claim 22, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “notifying, in the server, the subscriber of each new email message as converted header information, wherein the email notification is separate from and in addition to sending the converted header to the voicemail system.” Therefore, Applicant respectfully submits that amended claim 22 overcomes the rejection, and the rejection should be withdrawn.

e. Claim 28

Applicant respectfully submits that claim 28, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “notifying the subscriber of each new email message as converted header information, wherein the email notification is separate from and in addition to sending the converted header information to the voicemail system.” Therefore, Applicant respectfully submits that amended claim 28 overcomes the rejection, and the rejection should be withdrawn.

f. Claim 34

Applicant respectfully submits that claim 34, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper*

et al. and *Detlef* does not disclose, teach, or suggest at least the feature of “wherein the voicemail server includes a process for automatically notifying the subscriber of the email message separate from and in addition to leaving the voicemail message.” Therefore, Applicant respectfully submits that amended claim 34 overcomes the rejection, and the rejection should be withdrawn.

g. Claim 39

Applicant respectfully submits that claim 39, as amended, is allowable for at least the reason that the proposed combination of *Klein* in view of *Sit et al.*, and further in view of *Cooper et al.* and *Detlef* does not disclose, teach, or suggest at least the feature of “automatically notifying, by the email notification server, the subscriber of each new email message identified in response to the polling, wherein the email notification is separate from and in addition to sending the voicemail message.” Therefore, Applicant respectfully submits that amended claim 39 overcomes the rejection, and the rejection should be withdrawn.

h. Claims 2, 4-6, 8-12, 14-21, 23-27, 29-33, 35-38, 40-46

Since claims 1, 7, 13, 22, 28, 34, 39 are allowable, Applicant respectfully submits that claims 2, 4-6, 8-12, 14-21, 23-27, 29-33, 35-38, 40-46 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2, 4-6, 8-12, 14-21, 23-27, 29-33, 35-38, 40-46 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-2, 4-8, 10-25, 27-31, 33-34, 36-40 and 42-46 be allowed to issue. Although some dependent claim rejections and some obviousness rejections are explicitly addressed above, the omission of arguments for other claims is not intended to be construed as an implied admission that the Applicant agrees with the rejection or finding of obviousness for the respective claim or claims. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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